

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

September 1, 1999

Mr. Chris Olson
Environmental Business Manager
BP Amoco Corporation
28100 Torch Parkway, Suite 500
Warrenville, IL 60555-4015

Re: BP Amoco C-Plant Site Certificate, Texas City, Galveston County; Voluntary Cleanup Program (VCP) No. 220

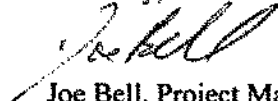
Dear Mr. Olson:

The Texas Natural Resource Conservation Commission (TNRCC) has reviewed submitted reports as well as other requested information. The information provided in the reports and correspondence demonstrate attainment of Risk Reduction Standard (RRS) No. 3 in accordance with 30 Texas Administrative Code (TAC) §335.561. Therefore, the TNRCC issues the enclosed Conditional Certificate of Completion (CCOC). A CCOC for this site was originally issued on June 17, 1999, but was sent to an outdated point of contact and address. The effective date of the original CCOC is being maintained. Please note that this CCOC is contingent upon satisfactory maintenance of existing engineering controls as specified in Exhibit B.

Response actions attaining RRS No. 3 must record such facts in the real property records of the county in which the site is located in accordance with 30 TAC Chapter 335, Subchapter S (i.e., Risk Reduction Rules). By filing the CCOC in the real property records pursuant to 30 TAC §333.9, VCP applicants satisfy this requirement.

Please submit proof of filing the CCOC in the real property records no later than 60 days from the date of this letter to my attention at the TNRCC, Voluntary Cleanup Section, mail code MC-221, at the letterhead address. You may contact me with any questions or comments you have at (512) 239-6753.

Sincerely,


Joe Bell, Project Manager
Voluntary Cleanup Section
Remediation Division

JNB/ts

Enclosures

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



**VOLUNTARY CLEANUP PROGRAM
CONDITIONAL CERTIFICATE OF COMPLETION**

As provided for in §361.609, Subchapter S, Solid Waste Disposal Act (SWDA), Texas Health and Safety Code.

I, RONALD R. PEDDE, P.E., DIRECTOR OF THE REMEDIATION DIVISION, TEXAS NATURAL RESOURCE CONSERVATION COMMISSION, CERTIFY UNDER §361.609, SWDA, TEXAS HEALTH AND SAFETY CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN IMPLEMENTED FOR VCP NO. 220 AS OF JUNE 14, 1999 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF IMPLEMENTATION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED RESPONSE ACTION WORK PLAN FOR THE SITE AND INCLUDE POST-CLOSURE CARE (e.g., MAINTENANCE OF ENGINEERING CONTROLS, REMEDIATION SYSTEMS AND/OR USE OF NON-PERMANENT INSTITUTIONAL CONTROLS). AN APPLICANT WHO ON THE DATE OF APPLICATION SUBMITTAL WAS NOT A RESPONSIBLE PARTY UNDER §361.271 OR §361.275(g), SWDA AND ALL PERSONS WHO WERE NOT RESPONSIBLE PARTIES UNDER §361.271 OR §361.275(g), SWDA (e.g., FUTURE OWNERS, FUTURE LESSEES, FUTURE OPERATORS AND LENDERS) ON, OR AFTER, JUNE 17, 1999 ARE QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY DESCRIBED IN §361.610, SUBCHAPTERS, SWDA PROVIDED THE APPLICANT OR FUTURE OWNERS ARE SATISFACTORILY MAINTAINING THE POST-CLOSURE CARE (e.g., MAINTENANCE OF ENGINEERING CONTROLS, REMEDIATION SYSTEMS AND/OR USE OF NON-PERMANENT INSTITUTIONAL CONTROLS) AS DESCRIBED IN EXHIBIT "B".

EXECUTED this 27 day of August, 1999

A handwritten signature in dark ink, appearing to read "Ronald R. Pedde".

Ronald R. Pedde, P.E., Director
Remediation Division

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 27th day of August, personally appeared Ronald R. Pedde, P.E., Division Director, Remediation Division, of the Texas Natural Resource Conservation Commission, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27th day of August, 1999



A handwritten signature in dark ink, appearing to read "Kimberly A. Shaw".

Notary Public in and for the State of Texas

EXHIBIT "A"
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION OF THE AMOCO C-PLANT SITE
VCP No. 220

The site is a 66.924 acre tract, more or less, located at 2800 FM 519E in the H.B. Littlefield Survey, Abstract No. 143, recorded in the Deed of Records Galveston County, Texas, said 66.924 acre response action area is more particularly depicted as shown in the attached attached Boundary Survey:

71.234 ACRES
(3,102,966 SQUARE FEET)

VCP 220
Exhibit A
RECEIVED

H.B. LITTLEFIELD SURVEY
ABSTRACT NO. 143

State of Texas §

APR 27 1999

County of Galveston §

VOLUNTARY CLEANUP SECTION

Being a tract or parcel of land containing 71.234 acres (3,102,966 square feet) of land located in the H.B. Littlefield Survey, Abstract No. 143, Galveston County, Texas and being all of that certain called 27.23 acre tract of land described in deed from Wah-Chang Corporation to Amoco Chemicals Corporation, executed March 24, 1969 as recorded in Volume 2017, Page 784 of the Galveston County Deed Records ("GCDR"), and also being all of the Oil Refinery Addition Subdivision as recorded in Volume 264, Page 69 of said GCDR, and also being all of that certain called 30.72 acre tract of land described in deed from Terminal Industrial Land Company to Amoco Chemicals Corporation, executed on November 20, 1968 as recorded in Volume 1995, Page 635 of said GCDR, and also being all of that certain called 5.93 acre tract described in deed from Union Carbide Corporation to Amoco Chemicals Corporation, executed on April 1, 1981 as recorded under Galveston County Clerk's File ("GCCF") No. 8121323 of the Official Public Records of Real Property of Galveston County, Texas ("OPRRPGCT"); said 71.234 acre tract being more particularly described by metes and bounds as follows (all bearings are based upon the Texas State Plane Coordinate System, South Central Zone, per Global Positioning System Observation performed by Western Geophysical on January 4, 1991):

BEGINNING at a 4 foot high 6-inch metal post found on the south right-of-way line of FM 519 (100 feet wide) and being the common north corner of said 30.72 acre tract and that certain called 0.1119 acre tract (called Tract 4) described in deed from Associated Metals & Minerals Corporation to Tex Tin Corporation, executed on January 17, 1990 as recorded under GCCF No. 9032605 of said OPRRPGCT, and from which a found 1-inch iron rod bears North 19 degrees 22 minutes East, a distance of 0.53 feet;

THENCE, North 88 degrees 02 minutes 03 seconds East, along said south right-of-way line, at a distance of 2327.01 feet passing the common north corner of the aforesaid 30.72 acre and 5.93 acre tracts, and from which a found 3/8-inch iron rod bears North 02 degrees 51 minutes West, a distance of 0.74 feet, and continuing along said south right-of-way line for a total distance of 2560.52 feet to a 2-inch iron pipe found for the point of curvature of a curve to the left;

THENCE, continuing along said south right-of-way line, and with said curve to the left, having a radius of 1532.70 feet, a central angle of 38 degrees 12 minutes 53 seconds, and a chord which bears North 68 degrees 43 minutes 09 seconds East for a chord distance of 1003.42 feet, a distance along the arc of said curve of 1022.27 feet to a 2-inch iron pipe found at the intersection of said south right-of-way line with the northwesterly right-of-way line of that certain called 100 foot wide railroad right-of-way described in deed from Jacob L. Greatsinger to The Texas City Terminal Co., executed March 7, 1898 as recorded in Volume 156, Page 106 of said GCDR, said 2-inch iron pipe being the most easterly corner of said 5.93 acre tract;

71.234 ACRES
(3,102,967 SQUARE FEET)

Page 2

THENCE, South 49 degrees 51 minutes 10 seconds West, along said northwesterly right-of-way line, a distance of 2858.71 feet to a point for the common south corner of said Oil Refinery Addition Subdivision and a certain 50 foot wide Terminal Industrial Land Co. Strip (no record deed found) as referenced in Volume 1231, Page 332, Volume 1301, Page 618, and Volume 2017, Page 784 of said GCDR;

THENCE, North 01 degree 55 minutes 14 seconds West, along the common line of said Oil Refinery Addition Subdivision and said 50 foot wide Terminal Industrial Land Co. Strip, a distance of 63.65 feet to a point for the common corner of the aforesaid 27.23 acre tract and said 50 foot wide Terminal Industrial Land Co. Strip;

THENCE, South 49 degrees 51 minutes 10 seconds West, along the common line of said 27.23 acre tract and said 50 foot wide Terminal Industrial Land Co. Strip, a distance of 640.21 feet to a 5/8-inch iron rod found for the most southerly corner of said 27.23 acre tract;

THENCE, North 40 degrees 08 minutes 33 seconds West, along the southwesterly line of said 27.23 acre tract, a distance of 1223.60 feet to a point;

THENCE, North 02 degrees 01 minute 40 seconds West, at a distance of 752.60 feet passing a 3/4-inch galvanized iron pipe found for the southeasterly corner of the aforesaid called 0.1119 acre tract, and continuing for a total distance of 805.44 feet to the POINT OF BEGINNING, and containing 71.234 acres (3,102,966 square feet) of land.

April 21, 1999
RLD:bgb
Job No.: 90.064.10
File: BLACAD\90064\WPM&B-DES2



RESTRICTION

013-60-0349

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
VOLUNTARY CLEANUP PROGRAM
PERMANENT INSTITUTIONAL CONTROL

Exhibit C

BP Amoco Chemical Corporation (Owner) is the owner of the tract of land described in Exhibit "A" to this certificate that pertains to the Amoco "C" Plant (Site), VCP No. 220 located at 2800 FM 519E in Texas City, Galveston County, Texas. In consideration of the issuance of this final certificate of completion, the Owner has agreed to place a restriction on the Site described in Exhibit "A" in favor of the Texas Natural Resource Conservation Commission (TNRCC) and the State of Texas which prohibits the exposure to and use of groundwater from the site for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the TNRCC or the State of Texas. Now, therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following restrictive covenants in favor of the TNRCC and the State of Texas are placed on the Site described in Exhibit "A," to-wit:

- 1 No groundwater from the Site described in Exhibit "A" shall be used for residential, agricultural, recreational, industrial or commercial purposes, except for when the TNRCC or the State of Texas has provided express written pre-approval for a specific purpose.
- 2 This restriction shall be a covenant running with the land.

BP Amoco Chemical Corporation
Owner

By:

Print Name:

CHRISTOPHER J. OLSON

STATE OF

Texas

COUNTY OF

Galveston

Liability Manager, BP Amoco

This instrument was acknowledged before me on 5-21, 1999, by

1999

Christopher J. Olson

of BP Amoco Chemical Corporation

Liability Manager

Josephine A. Ives

Notary Public in and for the State of

Texas



FRANK THOMAS

P.O. Box 90

Texas City, TX 77590

EXHIBIT "B"
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF IMPLEMENTATION OF RESPONSE ACTION

Mr. Chris Olson, on behalf of BP Amoco Chemical Corporation (the Applicant), has implemented response actions pursuant to Chapter 361, Subchapter S, SWDA, at the tract of land described in Exhibit "A" to this certificate that pertains to Amoco "C" Plant, VCP No. 220 located at 2800 FM 519E, in Texas City, Galveston County, Texas. The Site was owned by Amoco Chemical Corporation at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Texas Natural Resource Conservation Commission (TNRCC) Voluntary Cleanup Section on all plans and reports required by the Voluntary Cleanup Agreement for receipt of a Conditional Certificate of Completion (CCOC). The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all hazardous substances, waste and contaminated media of regulatory concern. The response actions will include the following post-closure care activities:

1. Conveying the CCC including this exhibit and other agency correspondence to subsequent owners or operators prior to transfer of control of the property.
2. Paying TNRCC oversight costs for review of any workplans or reports necessary to maintain post-closure care activities.
3. Deed recordation to prevent the use of groundwater beneath the site for purposes other than monitoring and remediation as described in the attached Exhibit C.
4. Collection, sampling, analysis and reporting of groundwater contamination as described in the approved Response Action Workplan (RAWP) for this site or any subsequent plan or modification to the plan approved by TNRCC. The current extent of groundwater contamination with the contaminants of concern must be maintained as it exists on this date (i.e., no areal growth or migration). The current extent of the plume is defined as the present location of the maximum contaminant level concentrations of the constituents of concern, e.g., lead is 15 micrograms per liter) on this date.
5. Should periodic evaluation of the performance of operation, maintenance, and monitoring activities indicate that the system is not achieving the response objectives for the site, the TNRCC shall be notified in writing no later than 45 days of the date of receipt of the analyses. In addition, a contingency plan to bring the site into compliance will be submitted for TNRCC review within 90 days of such notification, or otherwise specified by the TNRCC.
6. Operations and maintenance inspections and corrective measures, as necessary or required, including reporting to TNRCC shall be conducted as described in the RAWP.
7. Excavation into the vegetative and clay cover covering this site is prohibited without TNRCC written approval of a plan that demonstrates that the public health and the environment will be protected during and after such activities.

The response actions for the Site will achieve response action levels acceptable for Non-Residential land use as determined by the standards of the TNRCC. The response action will eliminate, or reduce to the maximum extent practicable, substantial present or future risk to public health and safety, and the environment from releases and threatened releases of hazardous substances and/or

contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response action at this Site may be found in the response action work plan at the central office of the TNRCC under VCP No. 220.

The preceding is true and correct to the best of my knowledge and belief

Applicant

By 

Print Name: CHRISTOPHER J. OLSON

STATE OF Illinois
COUNTY OF De Wap

This instrument was acknowledged before me on May 13, 1999, by


Notary Public in and for the State of Illinois

